

No. 45878

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE
MAR 03 2008

GILMORE

Plaintiff-Appellant,

V.

PEOPLE OF THE STATE OF
CALIFORNIA

Defendant-Appellee.

CASE NO.

7-4225-JF

PROPOSED ORDER

Movant, a state prisoner proceeding pro se, and a member of the class covered by the above entitled action in this Court, has shown the California Department of Corrections and Rehabilitation (CDCR), is in violation of this Court's order of October 16, 1979.

Movant has invoked the protection afforded by this court in its Order Settling and Dismissing Action, Sept. 28, 1978, stating that the above named action shall be dismissed "subject to the right of plaintiffs to file a petition with this court to seek enforcement with the provision of this Court's order of October, 16, 1972."

Movant has asked this Court's intervention by invoking the procedures afforded under this Court's 1979 Order, and Civil L.R. 7-11.

Accordingly, IT IS HEREBY ORDERED that:

1. The California Department of Corrections and Rehabilitation (CDCR) identify all out-of-date, lapsed subscription items, and missing mandated "Gilmore Collection" legal materials at Folsom State Prison, immediately purchase and make same available to movant and all similarly situated prisoners.

2. That the CDCR explain the repeated delays in purchase and subscription renewal of mandated "Gilmore Collection" material to the Court and movant, in light of reports submitted to CDCR Headquarters and Principle Librarian for over two years from Folsom State Prison.
3. That the CDCR and Prison Law Office explain to the Court and movant, the lack of oversight that has allowed the CDCR to neglect purchase and subscription renewal of mandated "Gilmore Collection" material for the past several years at Folsom State Prison.
4. That the CDCR Principle Librarian shall personally notify the Court and movant of compliance with this Order, and
5. That this Court shall retain jurisdiction and oversight of this matter in light of CDCR's demonstrated recalcitrance to comply with this Court's order's in this matter, and their own stated rules and regulations.

SO ORDERED:

Date:

JUDGE OF THE DISTRICT COURT